

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David FOELL and William BJERKE

Serial No.: 10/531,621

Filed: April 14, 2005

For: CONCRETE FILLABLE
FORMWORK WALL

Art Unit: 4155

Examiner: J. Buckle, Jr.

VIA EFS WEB
Conf. No.: 8426

Update on Copending U.S. Patent Application Serial No. 10/531,622 for
“INSERT PANEL FOR CONCRETE FILLABLE FORMWORK WALL”

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In Applicants' Information Disclosure Statement of September 12, 2005, Applicants identified Application '622 as also filed by Applicants. Both this application and that Application '622 claim priority from the same Provisional Patent Application 60/419,469.

Application '622 with claims directed to the insert panel with male engagement portions to mate with the female engagement portions of the elongated octagonal tubular form element of this application has been examined again, and rejected again by Examiner M. Safavi applying both §112 rejections and §102 rejections using U.S. Pat. No. 6,021,618 (Elderson) directed to a stud wall system and method using a spacer member.

Elderson is not material to claims in this application directed to “an elongated regular octagonal tubular form element” and far less relevant to these claims than those cited in this application and particularly those employed to reject the claims, now overcome by amendment.

Therefore, Applicants will proceed with payment of the Issue Fee.

Respectfully submitted by:

June 12, 2009
Date

PolyOne Corporation
33587 Walker Road
Avon Lake, Ohio 44012
Telephone: 440-930-3317
Fax: 440-930-3830
John.Hornickel@PolyOne.com

John H. Hornickel
John H. Hornickel
Registration No. 29,393